

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of) WT Docket No. 07-108
)
Jack R. Sharples) FCC File No. 0002185605
)
Application for New License in the Amateur)
Radio Service)

To: Chief Administrative Law Judge Richard L. Sippel

ENFORCEMENT BUREAU'S MOTION
TO DISMISS APPLICATION WITH PREJUDICE
AND
TERMINATE HEARING

1. The Enforcement Bureau ("Bureau"), pursuant to Section 1.221 of the Commission's Rules, 47 C.F.R. § 1.221, hereby requests the Presiding Administrative Law Judge to dismiss with prejudice the above-captioned application of Jack R. Sharples ("Sharples") and terminate this hearing proceeding. In support whereof, the following is shown.

2. On May 24, 2007, the Wireless Telecommunications Bureau, pursuant to delegated authority, released *Jack R. Sharples*, Hearing Designation Order, DA 07-2183, (WTB, May 24, 2007) ("HDO"). The HDO designated the above-captioned application for hearing on issues relating to whether the applicant possesses the requisite character qualifications to be a Commission licensee based on his prior felony conviction and status as a registered sex offender. In order to avail himself of the opportunity to be heard, the HDO, among other things, required Sharples, in person or by his attorney, to file with the Commission, within 20 days of the mailing to him of the HDO, a written

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appearance stating that he will appear on the date fixed for hearing and present evidence on the issues specified in the HDO. *See* HDO at ¶ 8.

3. Subsequently, in *Jack R. Sharples*, Order, FCC 07M-15 (ALJ, June 1, 2007), the Chief Administrative Law Judge assigned this proceeding to the Presiding Administrative Law Judge. The Chief Administrative Law Judge ordered a prehearing conference to be held in Washington, DC, on June 26, 2007.

4. A summary of the HDO was properly published in the Federal Register, thereby providing Sharples with constructive notice of the HDO. *See* Notice, Federal Communications Commission, Jack R. Sharples, Application for New License in the Amateur Radio Service, 72 Fed. Reg. 32665 (June 13, 2007). In addition, a copy of the HDO was timely mailed to Sharples via Certified Mail – Return Receipt Requested on May 24, 2007, at the address specified by him in his application. The Wireless Telecommunications Bureau subsequently received the Return Receipt, indicating that Sharples received the copy of the HDO.

5. Sharples's notice of appearance was due 20 days from the mailing of the HDO. *See* HDO at ¶ 8. Since a copy of the HDO was mailed to Sharples on May 24, 2007, and Sharples had 20 days within which to file a notice of appearance, Sharples was required to file his notice of appearance on or before June 13, 2007.

6. On June 19, 2007, Sharples sent the Presiding Administrative Law Judge a document discussing his reasons for submitting the application. On June 20, 2007, a conference call was held among the Presiding Administrative Law Judge, Sharples, and Bureau counsel. Sharples shared his concerns about the expense of traveling to Washington, DC for a hearing, and inquired whether a lawyer could be appointed to

represent him. The Presiding Administrative Law Judge informed Sharples that the Commission could not appoint counsel to represent him, and, although he could participate in the prehearing conference via telephone, he would need to travel to Washington, DC for the actual hearing.

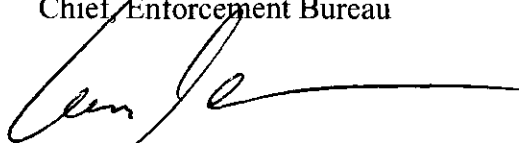
7. During the June 20, 2007 conference call, Sharples requested additional time to determine whether to continue to prosecute his application at hearing. Without objection from Bureau counsel, the Presiding Administrative Law Judge granted Sharples's request for additional time, entered the June 19, 2007 letter from Sharples as a formal notice of appearance and rescheduled the June 26, 2007 prehearing conference for July 11, 2007. The Presiding Administrative Law Judge informed Sharples that if an attorney agreed to represent him, the attorney would be required to file a notice of appearance.

8. On June 27, 2007, Sharples faxed a document to the Presiding Administrative Law Judge requesting withdrawal of his pending application. Thereafter, on July 3, 2007, the Presiding Administrative Law Judge issued an order cancelling the July 11, 2007 prehearing conference and directing Bureau counsel to file an appropriate motion to terminate the proceeding.

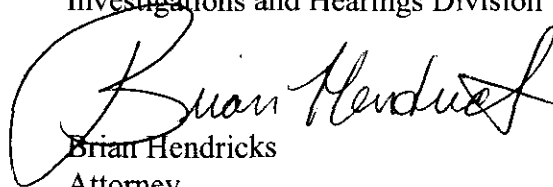
9. Based on the foregoing, Sharples's pending application should be dismissed with prejudice and this proceeding should be terminated. Sharples has unequivocally represented that he desires to withdraw his pending application from consideration. Consequently, there is no longer any need or basis for a hearing to determine whether the application should be granted.

10. Accordingly, Sharples's application should be dismissed with prejudice and this proceeding should be terminated.

Respectfully submitted,
Kris Anne Monteith
Chief, Enforcement Bureau



Gary Schonman
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Investigations and Hearings Division



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July 13, 2007

CERTIFICATE OF SERVICE

Ernestine Creech, a Paralegal Specialist in the Enforcement Bureau's Investigations and Hearings Division, certifies that she has, on this 13th day of July 2007, sent by first class United States mail copies of the foregoing "Enforcement Bureau's Motion to Dismiss Application with Prejudice and Terminate Proceeding" to:

Jack R. Sharples
456 Bella Vista
Edgewater, FL 32141

Chief Administrative Law Judge Richard L. Sippel*
Federal Communications Commission
445 12th Street, S.W., Room 1-C
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Ernestine Creech

* Hand-Delivered